



U.S. Department
of Transportation
**Federal Highway
Administration**

Memorandum

APPENDIX 13-3

Subject: Utility Authorization Procedures

Date: December 12, 1996

From: William F. O'Donnell
W.F. O'Donnell, Environmental Program Manager
Thru: T. Myers _____, A. Fletcher _____, D. Hall _____, M. Calawa _____
To: Files

Reply to
Attn. of:

On this date I met with Greg Placy, Administrator of the Bureau of Highway Design, Chuck Schmidt and Mel Kangas of Design Services, and Linda Hodgdon and Joyce Cote of Planning to discuss methods of streamlining the process that is currently used for oversight projects to authorize utility work. On exempt projects, funding for utility work is routinely authorized at the PS&E stage without the need to submit utility agreements. It is understood that under 23CFR645, utility work on any project cannot be authorized without benefit of an executed agreement.

Under the current system for oversight projects, Design Services typically submits 2 copies of an unexecuted or executed utility agreement, if available, directly to this office, normally several weeks after a PS&E is authorized. If the agreement is unexecuted, we review it and write back to Design Services that it appears satisfactory. After it becomes executed Design Services submits 2 copies of the executed agreement for our approval. If the agreement is executed, we review and approve the agreement, returning one copy to Design Services. Following our approval of the executed agreement, an estimate is processed through Planning shifting the utility amount from Programmed to either PS&E or Authorized and Planning prepares a request for Federal Funding (long sheet), which they submit to us. Often these transactions only amount to tens of thousands of dollars and they are processed separately, potentially involving three separate submissions.

In an ideal situation, the executed agreements would be available at the PS&E submission or even at the Post-bid Project Agreement Estimate Submission from Planning. If they were they could be processed simultaneously with those requests. Unfortunately this does not often occur.

After discussing the issues and some options, I suggested the following:

* When Design Services is requesting funding with their first utility agreement submission, either executed or unexecuted, they will process it through Planning. Where it is an unexecuted agreement, only one copy will be provided to FHWA. If it is an executed agreement two copies will be sent to FHWA to allow for an approved agreement to be returned to Design Services from FHWA. Planning will provide the appropriate funding request (long sheet) and ship the long sheet, estimate and agreement to FHWA.

* Where possible, Design Services will submit at least an unexecuted utility agreement, hopefully an executed one, through Planning at the PS&E or Post-bid Project Agreement Estimate Submission. This will reduce at least one NHDOT submission to FHWA.

* We will authorize the utility funding on the basis of either an executed or unexecuted agreement. If we authorize funding on the basis of an unexecuted agreement, the long sheet will be conditioned on the understanding that the utility work cannot begin until the agreement is executed and approved by this office. This latter executed agreement submission would be made directly to FHWA from Design Services as no additional funding is being sought.

All present thought that it should save some effort. Substantial further gains can be achieved if these submissions are processed with the PS&E or Post-bid Project Agreement Estimate submissions. This approach will be tried for the interim and will be revisited as a part of a process review planned for early 1997 on the utility program.